



IP AF

Attorney Docket # 5434-16

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Tom MINER et al.

Serial No.: 10/768,760

Filed: January 29, 2004

For: Intravenous Delivery System

Examiner: Osinski, Bradley James
Group Art: 4111

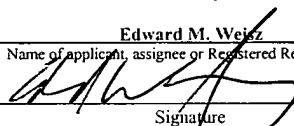
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 2, 2009

(Date of Deposit)

Edward M. Weisz

Name of applicant, assignee or Registered Representative



Signature

October 2, 2009

Date of Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

SIR:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 3, 2009 of the Primary Examiner twice or finally rejecting claims 1-55.

The items checked below are appropriate:

1. The time for response to the Office Action of expires on November 3, 2009.
2. A _-month extension of time for response to the Office Action dated _ was filed on_. [No additional extensions of time are required.]
- 3a. Applicant(s) hereby request(s) a one two three-month extension of the original shortened statutory response period set in the Office Action of _. Payment in the amount of _ for the government fee for an extension of time is enclosed herewith.

3b. This is not the first request for an extension of time relative to the outstanding paper. The period for response has already been extended by -month(s) by petition dated . Please extend the time for response by an additional -month(s). With this extension, the deadline for filing the required paper will be . Payment for the additional extension fee of \$ is enclosed.

4. Check for payment of the appeal fee of \$540.00 and any other fee applicable
 is enclosed herewith.
 No additional fee is required (fee paid in prior appeal).
 Charge the fee to Deposit Account No. 03-2412 (one additional copy of this Notice is enclosed herewith).

5. Charge any additional fees required, for example, for lodging this appeal or for filing the Appeal Brief, not otherwise paid by check, to Deposit Account No. 03-2412. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By



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Dated: October 2, 2009